

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN GOOD,

Plaintiff,

Case No. 17-10140
HON. GERSHWIN A. DRAIN

vs.

WENDI WALWORTH, *et al.*,

Defendants.

_____/

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#74], GRANTING DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT [#56] AND DISMISSING ACTION**

I. BACKGROUND

Before the Court is the Plaintiff Jonathan Good's 42 U.S.C. § 1983 action alleging First Amendment retaliation against Defendants Wendi Walworth, Barbara Finch, Dujuna VanDecasteele, Kelly Barnett,¹ Julius Mayfield and Jeremy Bugbee, who are all employed by the Michigan Department of Corrections ("MDOC") in some capacity. The Court referred the instant matter to Executive Magistrate Judge R. Steven Whalen for all pretrial proceedings. *See* Dkt. No. 72.

¹ The Court dismissed Defendant Barnett in a prior decision.

On March 30, 2020, Executive Magistrate Judge Whalen issued a Report and Recommendation recommending that this Court grant the Defendants' Motion for Summary Judgment because Plaintiff cannot establish that Defendants were motivated by retaliatory animus. The Court agrees that Plaintiff has not rebutted the Defendants' evidence that they would have taken the same actions without Plaintiff's protected activity. Moreover, Plaintiff failed to file any objections to the Report and Recommendation and the time for doing so has expired. *See* 28 U.S.C. § 636(b)(1) and E.D. Mich. L.R. 72.1(d)(2).

II. CONCLUSION

Accordingly, consistent with the analysis set forth in Executive Magistrate Judge R. Steven Whalen's March 30, 2020 Report and Recommendation, the Court hereby ACCEPTS and ADOPTS his March 30, 2020 Report and Recommendation [#74], and GRANTS Defendants' Motion for Summary Judgment [#56].

This cause of action is dismissed.

SO ORDERED.

Dated: April 28, 2020

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on Jonathan Good,
#197972, Kinross Correctional Facility, 4533 W. Industrial Park Drive, Kincheloe,
MI 49786 on

April 28, 2020, by electronic and/or ordinary mail.

/s/ Teresa McGovern

Case Manager